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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

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9 Steven Andrew Whitt,

No. CV-23-00096-TUC-SHR

10 Petitioner,

**Order Adopting R&R**

11 v.

12 M. Gutierrez,

13 Respondent.

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15 On August 28, 2023, Magistrate Judge Bruce G. Macdonald issued a Report and  
16 Recommendation (“R&R”) in which he recommended the Court deny the 28 U.S.C. § 2241  
17 Petition because the Federal Bureau of Prisons “correctly determined the date on which  
18 Petitioner’s federal sentence commenced and correctly calculated Petitioner’s sentence.”  
19 (Doc. 17.) The R&R notified the parties they had fourteen (14) days after being served  
20 with a copy of the R&R to file any objections. (*Id.* at 21.) No objections have been filed.

21 If neither party objects to a magistrate judge’s report and recommendation, the  
22 District Court is not required to review the magistrate judge’s decision under any specified  
23 standard of review. *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v.*  
24 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (district court only needs to  
25 review magistrate judge’s findings and recommendations *de novo* if objection is made).  
26 However, the statute for review of a magistrate judge’s recommendation “does not preclude  
27 further review by the district judge, *sua sponte* or at the request of a party, under a *de novo*  
28 or any other standard.” *Thomas*, 474 U.S. at 154.

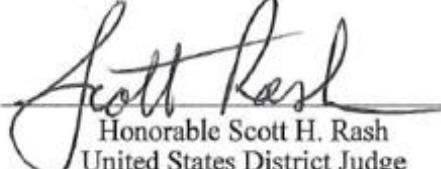
1        In this case, the deadline for filing objections has seemingly passed. A copy of the  
2 R&R was mailed to Petitioner on August 28, 2023. As noted, no objections have been  
3 filed, and neither party has requested additional time to do so despite the warning from  
4 Judge Macdonald indicating “[f]ailure to file timely objections to any factual or legal  
5 determination of the Magistrate Judge may result in waiver of the right of review.” (Doc.  
6 17 at 9.) Therefore, the Court will adopt the R&R on that basis alone. *See Schmidt v.*  
7 *Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (district court declined to review  
8 the magistrate judge’s report because no objections were filed). Accordingly,

9           **IT IS ORDERED** Magistrate Judge Macdonald’s Report and Recommendation  
10 (Doc. 17) is **ADOPTED**.

11           **IT IS FURTHER ORDERED** the Petition (Doc. 1) is **DENIED**.

12           **IT IS FURTHER ORDERED** the Clerk of Court shall enter judgment accordingly  
13 and close the file in this case.

14           Dated this 10th day of October, 2023.



Honorable Scott H. Rash  
United States District Judge